

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

HAROLD D. ISAAC,

Plaintiff,

v.

KIMBERLY PRICE, et al.,

Defendants.

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No. 4:21-CV-807 RLW

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Self-represented Plaintiff Harold D. Isaac commenced this civil action by filing a handwritten “Motion for Injunctive Relief” complaining about a lack of access to paper while in solitary confinement at Potosi Correctional Center (“PCC”). ECF No. 1. On September 21, 2021, the Court issued an Order finding Plaintiff’s letter defective as a complaint commencing a civil case because it was not drafted on a Court-provided form. ECF No. 2 (citing E.D. Mo. L.R. 2.06(A)). In addition, the Court noted that Plaintiff had neither paid the filing fee nor submitted an application to proceed without prepaying fees or costs. Either the fee or application is required for case initiation. *Id.* (citing 28 U.S.C. § 1915(a)(1)). As such, the Court directed the Clerk to send Plaintiff the necessary forms and ordered that Plaintiff file an amended complaint on the Court-provided form within thirty (30) days. Plaintiff was also given thirty (30) days to either pay the full filing fee or submit the Court-provided application to proceed without prepaying fees or costs.

The deadline for Plaintiff’s response has passed and he has not responded to the Court’s Order, nor has he sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply,


and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Plaintiff's failure to comply with the Court's Order of September 21, 2021; his failure to prosecute his case; and his failure to pay the filing fee or seek permission to proceed without prepayment. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss on its own motion for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the Plaintiff's failure to comply with any court order); E.D. Mo. L.R. 2.01(B) (authorizes the Clerk of Court to refuse to receive any pleadings "until the applicable statutory fee is paid, except in cases accompanied by a completed application to proceed in forma pauperis.").

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 15th day of November, 2021.

  
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**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**